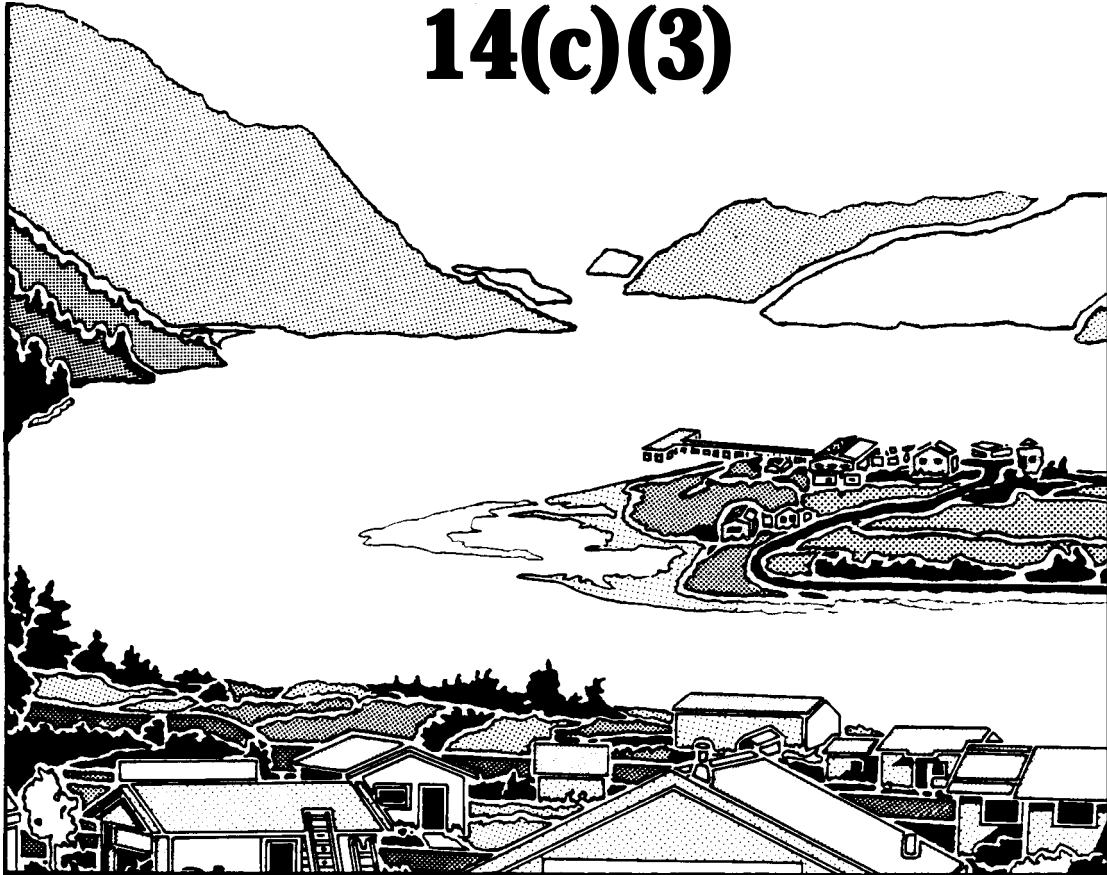


# **Getting Started On 14(c)(3)**



## **A Basic Guide for City and Village Councils**

**State of Alaska  
Tony Knowles, Governor**

**Department of Community and Economic Development  
Deborah B. Sedwick, Commissioner**

**August 2000**

# Acknowledgments

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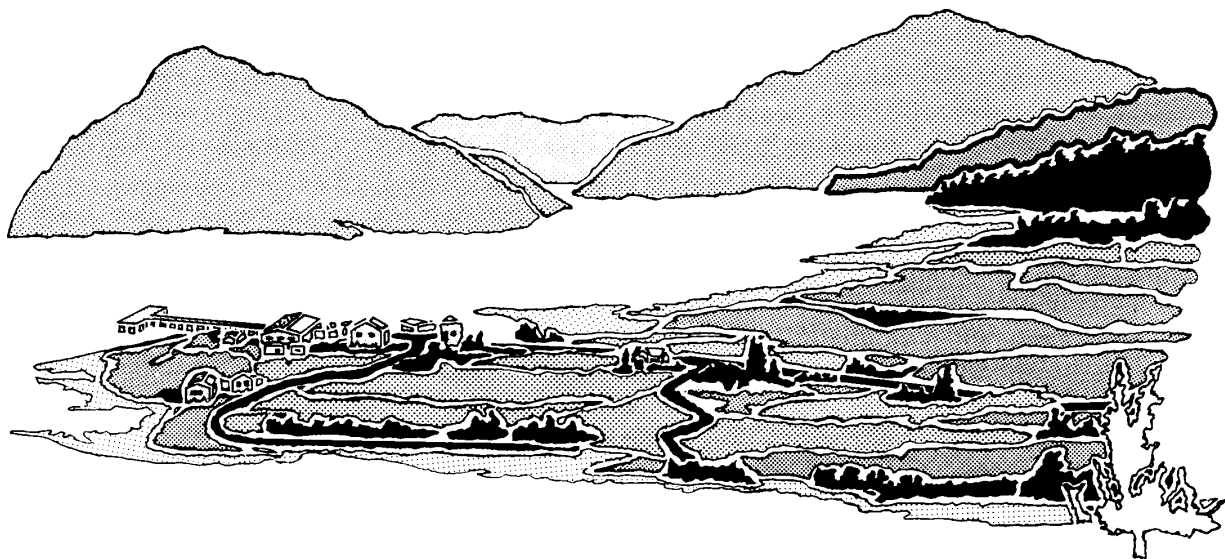
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# Foreword

This handbook is a basic guide to assist city and village councils, village corporations, and their staff with Alaska Native Claims Settlement Act (**ANCSA**) 14(c)(3) decisions.

The handbook covers the major points a policy maker needs to understand about 14(c)(3). To keep this document as short as possible, many of the technical details of preparing and submitting a 14(c)(3) proposal are not covered. If you are interested in more technical information, we suggest reading:

- The Alaska Native Foundation's (ANF) handbook Village Land Reconveyance Planning: A Handbook on ANCSA Section 14(c). It provides excellent coverage on 14(c)(1), (2), (3), and (4).
- Community Planning for ANCSA 14(c) Land Reconveyance. It provides detailed guidelines for land planners and other staff working on 14(c)(3).

These documents were sent to your community and should be available in the city and village corporation offices. Contact the Department of Community and Economic Development (DCED) for copies of both Community Planning for ANCSA 14(c) Land Reconveyance and Village Land Reconveyance Planning: A Handbook on ANCSA Section 14(c).

## ☆ Note ☆

**As you read this document you may find some terms that are difficult to understand. We have highlighted most of these terms and defined them in the glossary in the back of the handbook.**



# Introduction

ANCSA established the right of village corporations to lands in and around their villages. It also required village corporations to make some of this land available to individuals and organizations who were occupying land on December 18, 1971.

ANCSA also required village corporations to provide land for present needs and future expansion of

the community. The village corporation's duty to transfer land for community needs is explained in Section 14(c)(3).

This handbook discusses Section 14(c)(3) — the land reconveyed to a city, or the “State in trust” for a future city. This is land for community expansion and public purposes such as roads, schools, clinics, community recreation, etc.

## **“State in trust” - what does this mean?**

In unincorporated villages, ANCSA 14(c)(3) land must be transferred to the State. The State holds the land in trust until a city is established. After a city is formed, the State transfers all trust land to the new city.

The responsibility for accepting and administering municipal trust land was assigned to the Department of Community and Regional Affairs (now the Department of Community and Economic Development) by State law (AS 44.33.755). The Municipal Lands Trustee (MLT) Program in the Division of Community and Business Development (DCBD) performs the functions required by federal and State law.

The operation of the MLT Program is guided by administrative regulation (3 AAC 190.010 - 194.900). These regulations contain requirements for accepting land transferred under ANCSA 14(c)(3).

The MLT Program consults local residents to identify ANCSA 14(c)(3) land. This may be through village meetings or through a representative group speaking for the village. The representative group is called the “appropriate village entity” (AVE). After 14(c)(3) land is conveyed to the State in trust, land management decisions are made with advice from the local people. The Municipal Lands Trustee must receive approval from the AVE before making land decisions.

# I. Getting to Know 14(c)(3)

## Background

Following the settlement of the continental United States by Europeans, new land laws were created.

By contrast, Russia did not settle Alaska. They already had a large land base and were mainly interested in harvesting natural resources. In 1867, Russia sold her claim to occupy Alaska to the United States. In the Treaty of Cession, the United States and Russia agreed that Natives were subject to laws and regulations of the United States.

The first Alaska land law, the 1884 Organic Act, states in part:

...the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress...

The Act established the difference between Native land policy in Alaska and the policy in the lower 48 states. The United States did not move Alaska Natives to reservations; Congress recognized Native claims to the land. These claims remained unsettled until ANCSA.

In the meantime, other laws were passed (Native Allotment Act and the Homestead Act) establishing individual

land ownership for individual Natives and non-Natives under U.S. law. The Native claims mentioned in the Organic Act remained unsettled. Statehood was followed by State land selections and increased resource use, including the discovery of oil. The need for clear ownership of the land for the Alaska pipeline resulted in a settlement of Native claims. When Congress passed ANCSA in 1971, the land claims of the Alaska Natives established more than 100 years earlier were finally settled. Natives, as a group, received ownership or **title** to lands through transfer of title to regional and village corporations. However, individual village residents still did not have title to the land their homes were on, and few village governments owned the land used for public purposes. Congress recognized the need for land title for occupants of village lands. To accomplish this, ANCSA provided that village corporations get ownership (**interim conveyance** or **patent**) to the available lands and then provide title for parcels used by qualifying individuals and organizations.

## Overview of 14(c)

ANCSA provides title to individuals and organizations through Section 14(c) of the Act. Village corporations received title to the **surface estate**; regional corporations received title to the **subsurface estate**. Since 14(c) applies only to village corporations, individuals and organizations receive title only to the surface estate.

14(c) has five sections - only the first four apply today. The four sections, described below, identify the individuals and organizations that can receive land from the corporation under 14(c). These include:

### **14(c)(1)**

Claims by individuals, either Natives or non-Natives, who occupied lands as of December 18, 1971, for:

- ✓ residences,
- ✓ businesses,
- ✓ campsites,
- ✓ reindeer husbandry.

The transfer of land is made without payment (consideration).

### **14(c)(2)**

Claims by nonprofit organizations who occupied lands as of December 18, 1971. The village corporation may charge or require payment for the land. If payment is required, it must not be more than the **fair market value** of the land as it existed when the organization first occupied it. The fair market value must be based on land value without structures or other improvements.

### **14(c)(3)**

Land needed by the city for present and future public land uses.

### **14(c)(4)**

Land for airport sites and related navigational aids and **easements** as they existed on December 18, 1971, and additional land or easements for related services and approach zones. Title can go to the federal government, State, city, or borough.

## **Looking at the Language of 14(c)(3)**

### **Who receives 14(c)(3) lands?**

If the community is a city, it receives title to the 14(c)(3) land. If the community is unincorporated, the State holds title in trust for the future city.

### **How much acreage is the city entitled to?**

ANCSA originally required the conveyance of 1,280 acres under Section 14(c)(3). **ANILCA**, passed in 1981, changed the requirement to:

...the amount of lands to be transferred to the municipal corporation shall be no less than 1,280 acres unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres...

The change created confusion. Some village corporations conveyed 1,280 acres or more to a city before 1981. Some corporations chose to transfer 1,280 acres or more after 1981 for their own reasons (for example, mergers of village corporations caused some local residents to view 14(c)(3) as a way to keep land in local control).

People involved with 14(c)(3) before ANILCA was passed may continue to believe that the 1,280 acres requirement is still in effect. However, the law has



been changed, and a conveyance of less than 1,280 acres can be made if both parties agree in writing. Most 14(c)(3) conveyances are between zero and 1,280 acres.

The most important factor in determining the acreage to be transferred is the agreement of both parties on what land is to be conveyed and for what purposes. Don't get hung up on acreage. The courts or anyone else probably would not get involved in cases where the city and the corporation agree upon the land and acreage involved.

### **What land can the city receive under 14(c)(3)?**

Section 14(c)(3) spells out the land to be reconveyed as:

...title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, appropriate rights-of-way for public use, and other foreseeable community needs,.... Provided further, that any net revenue derived from the sale of resources harvested ... shall be paid to the Village Corporation...

Let's look at what this means:

→ ...the remaining surface estate of the improved land on which the Native village is located...

Improved land may be defined as:

...the land conveyed under ANCSA to village corporations which is so changed from its natural state through valuable additions made to the land or through regular use by the residents of the village... (Municipal Trust Land Regulations [3 AAC 190.990(5)]).

Examples of improved lands include lands with:

- ✓ community buildings,
- ✓ sewage lagoons,
- ✓ cemeteries,
- ✓ garbage dumps,
- ✓ water storage tanks, and
- ✓ similar public uses.

→ ... as much additional land as is necessary for community expansion...

This is land that communities need for future projects and activities. As a community grows it will need land for public use.

ANCSA does not define “community expansion.” The city can propose land needed for community expansion and negotiate with the village corporation for that land. For example, there may be an existing housing project to take care of present needs but there are still many young people in the community who will need new housing in the future. The city may propose this future housing site and a road right-of-way as 14(c)(3) land.

→ ...appropriate rights-of-way for public use...

A right-of-way is a right of passage over another landowner's ground.

They include:

- ✓ roads,
- ✓ trails,
- ✓ utility poles,
- ✓ sewer and water lines, and
- ✓ other public use.

Rights-of-way should include existing roads and trails and may include future roads and trails.

Refer to Community Planning for ANCSA 14(c) Land Reconveyances for more information on rights-of-way.

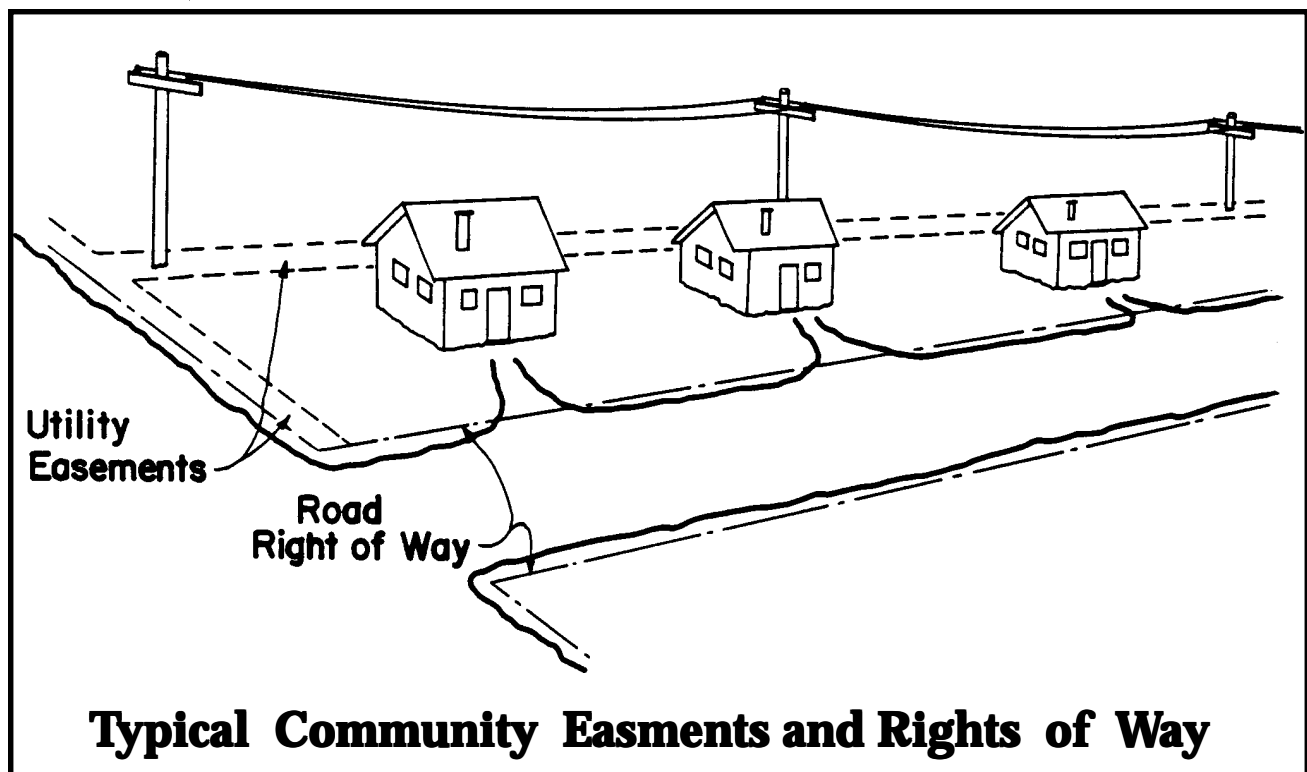
→ ...and other foreseeable community needs...

A foreseeable need can be seen or known in advance. They are identified by the city and may be agreed to by the corporation. For

example, the community may recognize there will be a need for a land fill. A suitable site can be identified as a foreseeable need.

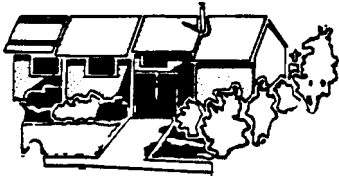
→ ...provided further, that any net revenues derived from the sale of resources harvested...

If the city sells the timber or harvests other surface resources from land received under 14(c)(3), profits from the sale must go to the village corporation. Timber or other surface resources may be used for public purposes (to build a community hall, for example) without payment to the village corporation. Remember, the regional corporation owns the gravel and other subsurface resources and the city has no right to these resources for any purpose without the owner's consent.



# Who receives 14(c) land from Village Corporations?

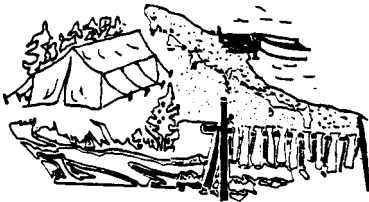
## 14(c)(1): Individuals



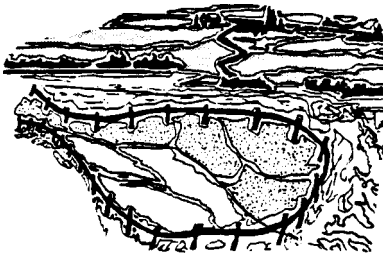
✓ Residences



✓ Businesses



✓ Subsistence campsites



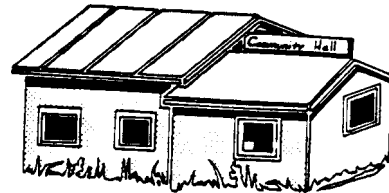
✓ Reindeer headquarters sites

## 14(c)(2): Non-Profit Organizations



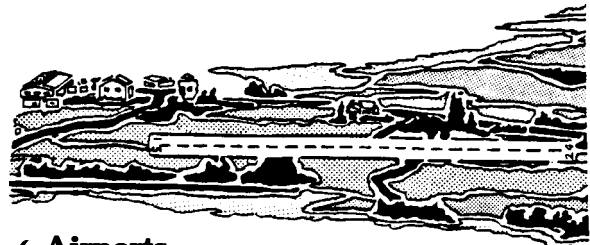
- ✓ Churches
- ✓ Charitable organizations
- ✓ Fraternities
- ✓ Civic organizations

## 14(c)(3): Cities or Future Cities



- ✓ Present public buildings and facilities
- ✓ Forseeable community needs

## 14(c)(4): Federal, State or Municipal Government



- ✓ Airports
- ✓ Airway Beacons
- ✓ Navigational Aids
- ✓ Related Services
- ✓ Easements to Insure Safe Approaches

# **Alaska Native Claims Settlement Act**

## **(As amended by Alaska National Interest Lands Conservation Act)**

### **Section 14(c)**

#### **14(c)(1)**

Upon receipt of interim conveyance or patent, whichever comes earlier, . . . “The village corporations shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as of December 18, 1971, as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as a headquarters for reindeer husbandry.”

#### **14(c)(2)**

Upon receipt of interim conveyance or patent, whichever comes earlier, . . . “The village corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied as of December 18, 1971 by a nonprofit organization.”

#### **14(c)(3)**

Upon receipt of interim conveyance or patent, whichever comes earlier, . . . “The village corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate

rights-of-way for public use, and other foreseeable community needs: Provided, that the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres unless the Village Corporation and the Municipal Corporation or the state in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: Provided further, that any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: Provided, however, the word “sale,” as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation of the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;”

#### **14(c)(4)**

Upon receipt of interim conveyance or patent, whichever comes earlier, . . . “The Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existing as of December 18, 1971;”

## II. Doing 14(c)

### Why do 14(c)(3)?

**Because it is required by federal law.**

The 14(c) reconveyance requirement is set by law and goes with the land title the village corporation receives. Until 14(c) is addressed, there will be a “**cloud**” on that title. This does not mean that 14(c)(3) is only the corporation’s responsibility. The city must participate in the process to arrive at a mutually agreeable proposal.

The following is an excerpt from a typical interim conveyance (IC) document granting land to a village corporation. Section 3 of the IC document clearly establishes the obligation of the village corporation to complete the 14(c) transfers.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village corporation should take care of its 14(c) obligation to:

- **Clear the “cloud” on village corporation land title.** Until 14(c) is done, the village corporation lands might have claims on them that cloud the title. The cloud remains on the village corporation's title until all 14(c) claims are settled.
- **Determine land ownership so projects may be planned.** The corporation and the city need to know where their land boundaries are before projects can be planned, located, and developed.
- **Provide for needs of shareholders and residents.** Shareholders and residents may need title to their land to improve their structures.
- **Do the task while most of the people in the community in 1971 are still around.** Some of the 14(c) subsections have a **vesting date** of December 18, 1971. It may be more difficult to recall the situation that existed if many witnesses have moved away or died.

### **When to do 14(c)(3).**

ANCSA did not set a time frame for doing 14(c). The village corporation must take positive action to start the process. The city must be prepared to participate in the process.

People generally agree that the order and wording of 14(c) means that 14(c)(3) lands are selected from village corporation land remaining after 14(c)(1) and (c)(2) claims are settled.

Valid (c)(1) and (2) claimants have rights that can be protected by courts. These claims come before any other claims. Improved land left after 14(c)(1) and (2) claims are settled is available for 14(c)(3) selection (although planning for 14(c)(3) lands can be done before (c)(1) and (c)(2) selections are finalized).

### **Why 14(c) decisions are important.**

- **Land ownership boundaries are established.** Ownership boundaries will identify the location of land individuals, non-profits, businesses, and communities will own.
- **Corporations and cities prepare and review management and land plans.** These organizations usually define their goals and purposes to determine land needs for 14(c)(3). They then make plans to reach their goals. Structures, landfills, and other projects involving land are important parts of the plan.
- **Communities plan for their future.** People in the community organizations have a chance to “design” their future community and plan for what the community will be like.

### **How to do 14(c)(3).**

Before you start the 14(c) process, keep four important points in mind:

- 1. Section 14(c) is federal law.** It cannot be taken lightly. Village corporation lands remain subject to its provisions until the 14(c) claims are satisfied.

**2. ANCSA allowed the individuals enrolled to villages to incorporate as either profit or non-profit corporations.** Villages incorporated as profit corporations. So, by State law, they have a duty to make a profit for their shareholders. This may or could mean the village corporation may want to keep land in the city or village that has commercial potential.

**3. Only lands selected and conveyed by patent, or interim conveyance, to the village corporation are subject to 14(c).** These are the only lands where 14(c) claims can exist.

**4. Before the city (this does not apply to unincorporated communities) acquires or disposes of land it must have a land ordinance in place.**

Alaska Statute 29.35.090 states:

... The governing body shall by ordinance establish a formal procedure for acquisition and disposal of land and interests in land by the municipality. ...

This means that the city must, before receiving or disposing of 14(c) lands, develop a land acquisition and disposal ordinance.

## **Meeting community needs**

Community members should know the powers and purposes of cities and the village corporations to understand their roles in the 14(c)(3) reconveyance process. Cities and corporations both serve local needs and interests. By understanding the powers and purposes of each, the community can decide which one can best meet the various

needs of the community. For example, the city can get government grants to build a fire hall but the village corporation cannot. On the other hand, the corporation needs land for their businesses, such as a retail store, that a city is not normally designed to own and operate. The city and the village corporation will need land: the city for its fire hall; the village corporation for its store.

The status of land ownership after land decisions are made is another major factor in deciding which lands should be transferred. The corporation is a private organization and may restrict use of its lands. The city must generally allow public access to lands and facilities.

## **Planning for 14(c)(3)**

You must have an idea of what staff time and other resources are needed to complete the tasks of 14(c)(3). In some cases existing staff can do the job. In other cases, additional help will be needed. The Department of Community and Economic Development can provide sample documents, base maps for the Map of Boundaries and some technical assistance in getting you started on the 14(c)(3) settlement process.

## **Getting started**

To make a 14(c)(3) proposal, the city needs to know its land needs and match them with the land available for 14(c). You must examine land suitability, ownership, current land use, and plans for community expansion. The best way to understand the relationship between these factors is to plot the information on a map.

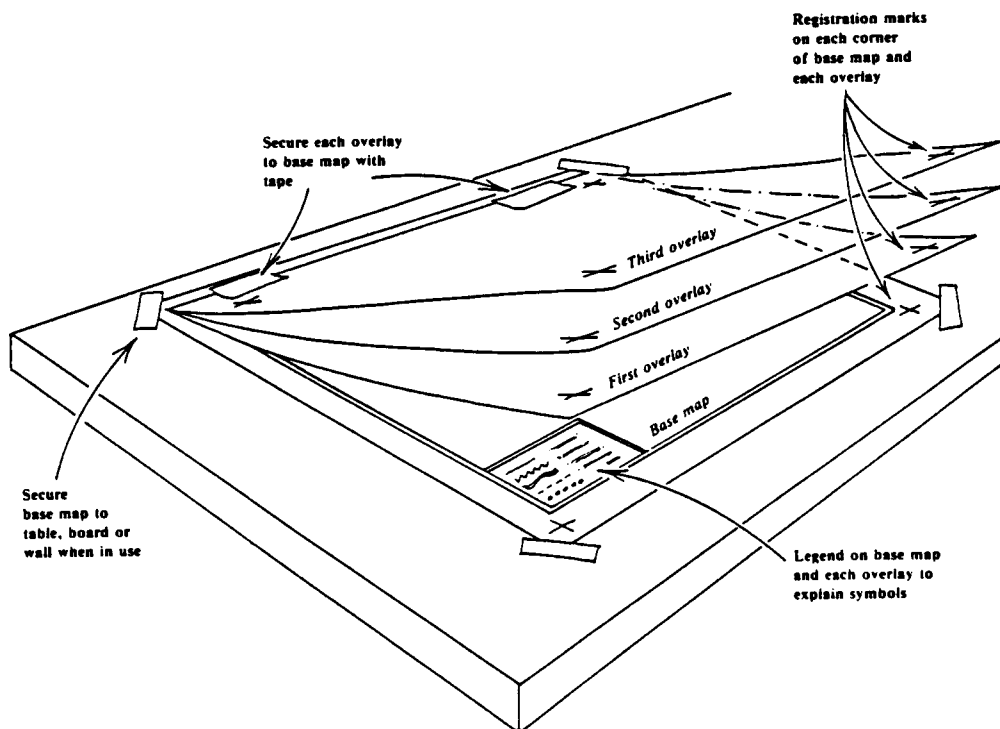
## How do you make a 14(c)(3) planning map?

- **Base map:** You need a **base map** to plot information on. An aerial photo is the best. It shows existing structures, terrain features, and, more importantly, is the only map available at a usable scale. The Department of Community and Economic Development can assist you in getting a map.

Draw information on the map or on clear plastic sheets that fit over the base map (overlays). This allows you to compare several types of information. Plot information on

land ownership, current land use, land suitability, and future land use.

- **Land ownership:** Only land received by the village corporation under ANCSA is available for selection by the city under 14(c)(3). Within these boundaries, there may be private land holdings such as **Native allotments**, patented mining claims, **Federal townsite** land, and other land ownerships. These parcels are not available for selection.
- **Current land use:** Identify current land uses including public buildings, residences, businesses, public use areas, roads and trails, and utilities.



## Map Overlay Technique



- **Land suitability:** Identify land suitable for development. Consider such things as:
  - ✓ type of soil,
  - ✓ steepness,
  - ✓ accessibility (how you get to it),
  - ✓ whether it is in the flood plain or subject to erosion,
  - ✓ sites suitable for projects with special requirements, such as landfills.

These are areas where future development should be located to avoid problems.

- **Future land use:** Determine future land needs of the community and identify areas to meet those needs. Show all planned development — private and public. If future land needs have not been identified, now is the time to do so. Consider such development as:
  - ✓ new housing areas,
  - ✓ businesses,
  - ✓ commercial activities,
  - ✓ community projects, and
  - ✓ roads and trails.

Using these maps, you can develop a 14(c)(3) proposal. It will identify three types of land: rights-of-way, publicly used land, and expansion land.

- **Rights-of-way:** Include existing roads and trails as well as roads to serve future development. Identify proposed and existing utility lines.
- **Public land:** Include land used for public buildings and public uses.
- **Expansion land:** Include land for future public buildings, facilities, and services. Include land for future housing if this has been identified as a need that the city will meet.

Make sure the 14(c)(3) proposal does not include 14(c)(1) or (2) claims or other private land.

### **14(c)(3) requires mutual agreement.**

Ideally, the corporation and the city agree to a jointly planned 14(c)(3) conveyance. When the city, or State in trust, and the corporation work together on the **reconveyance**, each benefits from shared information on plans and capabilities.

Each party in the process can influence the final decision. The village corporation deeds the land over. They will not proceed until they are satisfied with the 14(c)(3) proposal. The city can influence the agreement because the law requires that any conveyance of less than 1,280 acres to be agreed to in writing by the city, or State in trust. Furthermore, any claimant, including the city, not satisfied with the proposed 14(c) conveyance can file suit within one year from the date that the Bureau of Land Management (BLM) accepts the **map of boundaries**. Obviously, the 14(c)(3) process works best if the city and corporation agree. This avoids delay in transfer of land to individuals and to the city.

### **A written agreement is best.**

A 14(c)(3) agreement should be in writing. The agreement describes the land and the terms of the contract. The law requires any agreement for less than 1,280 acres to be in writing. A written agreement preserves the

negotiated results until the lands are deeded. This means less confusion for new board members, council members, and staff. Once the parties have agreed on the lands to be conveyed, the land often will not be deeded until it is surveyed. The agreement allows land to be used between the time of the agreement and when the land is deeded.

## Map of Boundaries.

The map of boundaries is a picture of the 14(c) proposal. It is prepared by the village corporation and submitted to BLM. BLM requires the village corporation to sign a statement that all conflicts concerning property lines shown on the map have been resolved.

## Notice of filing map of boundaries.

BLM publishes a notice in the newspaper when the village corporation files a map of boundaries. If 14(c) claimants are not satisfied, Section 902(b) of ANILCA allows them up to one year from the date specified in the notice to file a legal action. BLM's responsibility is to survey the 14(c) lands from the instructions given on the map. BLM does not intercede for or against the 14(c) claimants. It is very important that the city examine the map of boundaries to be sure that the 14(c)(3) claim is accurately shown.

Section 902(b) says:

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims

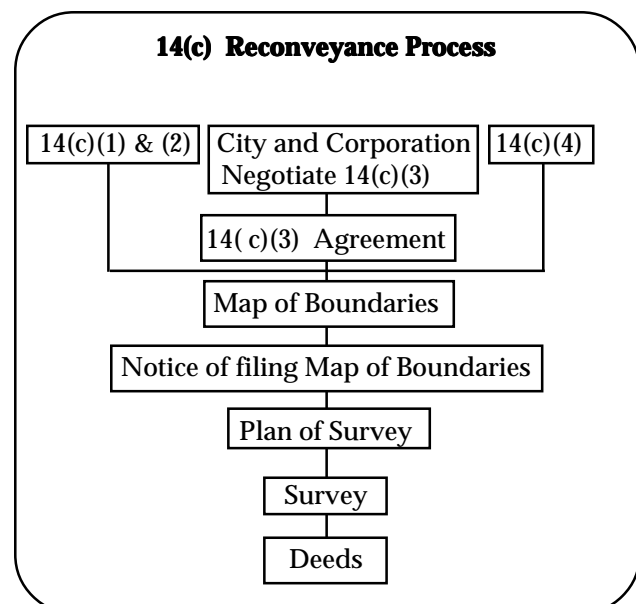
Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in regulations promulgated by the Secretary.

## Plan of survey.

When BLM signs the map of boundaries it becomes a plan of survey. The map is usually signed after the one year period expires and there are no conflicts recorded in the courts. For more information, read the BLM policy on maps of boundaries. A copy can be obtained from BLM or DCED. It is also in the ANF Handbook Village Land Reconveyance Planning.

## Survey and deeds.

After the survey is done and BLM approves it, the corporation can issue deeds. This completes the 14(c) process. Make sure that the deeds are recorded at the State Recorder's Office.



## III. Special Topics

### How can the city get permission to use land before a 14(c)(3) agreement is reached?

Sometimes the city needs land before the corporation is ready to complete a 14(c)(3) agreement. If the city needs land for a project, the corporation can give them permission to use the land by issuing a **deed** or a **lease**.

- **Deed:** The corporation can give the city a deed as a partial conveyance under 14(c)(3). The deed includes either a surveyed land description, or a **metes and bounds** description subject to a survey to be performed later. The weakness is that if the survey done later does not match the description, a new deed must be issued with the proper description. A major problem is the danger of conveying land that is really a 14(c)(1) claim.

- **Interim lease:** The corporation can lease the parcel to the city for the life of the project with a provision that the lease expire on a certain date or when the final 14(c)(3) land is deeded to the city, whichever comes first. When the final 14(c)(3) deed is issued, the leased parcel becomes one of the 14(c)(3) parcels. This can take place faster than issuing a deed and if a 14(c)(1) claim arises, it is easier to deal with the problem.

### What liability do council members have in 14(c)(3) decisions?

Each council member has a special duty to the residents of the community (the people who voted them in). They are bound by law to do what is best for the citizens, and not for their own special interests. If a council member makes a decision based on their own special interest, they can be held responsible in court. However, decisions made based on the best information at the time that turn out to be mistakes, are not cause for liability. If you are a council member and make decisions based on what you believe to be the best interest of the residents, you have little to worry about.



## What liability do cities have as landowners?

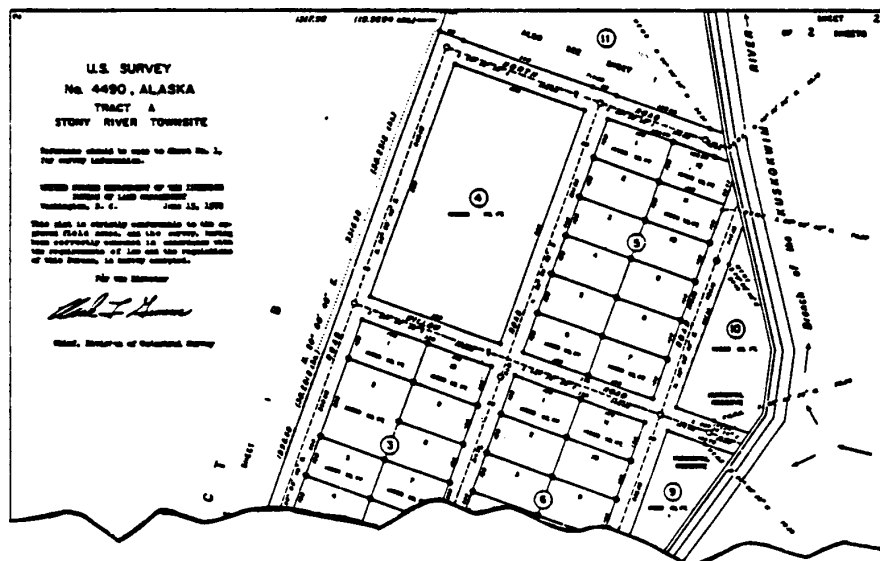
Under normal circumstances, the people using the land are responsible for their own safety. Landowners can be held responsible for injury to people on their land if the landowners create a dangerous situation, or if they are aware of a dangerous situation and do nothing to correct it. For example, the landowner has an “attractive nuisance”. This refers to something or some place on the land that a lot of people use or want to use. A gravel pit (attractive but potentially dangerous for children) may be an attractive nuisance. The landowner is responsible for maintaining the pit in a safe condition or accepting the blame if someone is hurt. Options in this case are fencing or closing the pit or transferring the property to an organization with equipment and funds to close or maintain the pit.

## How about land for houses?

In some communities, land for houses will be made available by the village corporation to raise revenue. In other communities, the city may make public land available at less than market value. Or, the city can transfer free land to a housing authority for public housing projects. This allows more money for housing, rather than using funds to purchase land.

## How do federal townsites affect 14(c)(3)?

Communities with federal townsites may find that many of their community land needs are met by land received from the federal townsite trustee. Section 14(c)(3) does not say that village corporations in townsite communities have a lesser 14(c)(3) obligation. However, it is possible that the 14(c)(3) process will show that many of the land needs are already met.



**Townsite Plat**

## How about Native allotments?

Native allotments are claims to the land that take precedence over the village corporation's land selections, including any 14(c) claim the city wants to make. Many Native allotment claims are not surveyed, so the exact boundaries are unknown. When selecting land near allotments, take care not to include or come too close to the allotment.

## What about payment for 14(c)(3) land?

ANCSA does not allow payment to the corporation under 14(c)(1), allows it at the corporation's choice under 14(c)(2), and does not mention it under 14(c)(3) and (4). Payment for 14(c)(3) land conveyed to the city has been discussed for some time. People arguing for payment say the village corporation should be paid for the 14(c)(3) land because it is some of the most valuable land the corporation received. People arguing against payment say it is unfair to make a city pay for land that the law requires them to take.

**Note:** The position of the State in trust for unincorporated villages is that payment is not required for land received through 14(c)(3) from the village corporation.

## What are reverter clauses?

These are conditions in the deed that require title to "revert" (return) to the previous owner if the recipient fails to do something required by the deed or does something not allowed by the deed. Section 14(c)(3) is silent on the subject, although most people feel that reverter clauses can be put into the deed only if the city agrees. Most reverter clauses in 14(c)(3) deeds require the city to use the land only for public purposes or the title reverts to the corporation. Cities in Alaska are required by law to use their land for public purposes. They can only dispose of land if they determine that it is no longer needed for public purposes.

**Note:** The State in trust for unincorporated villages is prohibited by regulation from accepting reversionary (reverter) clauses or conditions attached by the village corporation to 14(c)(3) land.

## What about other restrictive clauses?

Other statements prohibiting some actions or events can be put into the deed if the city agrees. For example, a clause prohibiting subdivision of the property could be placed in the deed. The only enforcement is through court action. All restrictive covenants and clauses may require court action to be enforced.

# Glossary

The following specialized terms are used in this document. The reader may find it useful to frequently refer back to these terms.

**Acre** - A unit of measurement of land that contains 43,560 square feet (about 209 feet by 209 feet).

**ANCSA** - The Alaska Native Claims Settlement Act; a law passed December 18, 1971. This law was passed to “settle aboriginal land claims.”

**ANILCA** - Alaska National Interests Lands Conservation Act; a law passed December 2, 1980 for national lands which also amended sections of ANCSA.

**Base map** - A map that other maps and overlays refer to in a plan.

**Cloud** - Anything which makes it difficult to prove clear title.

**Deed** - Written evidence of title.

**Easement** - A right to land that is owned by someone else.

**Estate** - The interest or ownership that one has in land.

**Fair market value** - The price of something that is established when a willing seller makes a deal with a willing buyer.

**Federal townsite** - A survey of a village by the Bureau of Land Management (BLM). Parcels in the survey are conveyed by BLM to the individuals living on the parcels at the time of survey approval, with any remaining land going to the city.

**Improved land** - Land that has been changed from its original state and made more valuable by those changes.

**Interim conveyance** - A document issued to the Native corporations by BLM to show proof of land ownership until a survey can be done and patent issued.

**Lease** - Written permission from the owner of land allowing another to use the land for a specific purpose and for a specific period of time.

**Map of boundaries** - A map showing proposed 14(c) conveyances which is sent to the Bureau of Land Management (BLM) for survey.

**Metes and Bounds** - old English term meaning distance and direction.

**MLT** - The Municipal Lands Trustee: the person who is responsible for managing 14(c)(3) land, in those villages that are not cities, that is conveyed to the state in trust for the future city.

**Native allotments** - Parcels of land that have been or will be conveyed to individual Natives under the 1906 Allotment Act.

**Patent** - The type of deed that is used when title to surveyed land is conveyed from the federal government or from the State.

**Plat** - A map of an area showing survey information about that area.

**Reconveyance** - In ANCSA, a transfer of land to the person or agency qualifying under 14(c).

**Right-of-way (ROW)** - A right to cross land for a specific purpose.

**Subsurface estate** - The interest or ownership that one has in the land below the surface and everything of value therein.

**Surface estate** - The interest or ownership that one has in the surface of the land and everything of value upon it.

**Title** - The official record which represents ownership in property.

**Vesting date** - The date when a person gets a legal right to present or future enjoyment of land.

**For more information and assistance  
concerning the 14(c)(3) process contact:**

**Department of Community and  
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